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10/652,008	08/28/2003	Kevin M. Tresenriter	108412	9890
27148	7590	06/02/2008	EXAMINER	
POLSINELLI SHALTON FLANIGAN SUELTHAUS PC			MEINECKE DIAZ, SUSANNA M	
700 W. 47TH STREET			ART UNIT	PAPER NUMBER
SUITE 1000				
KANSAS CITY, MO 64112-1802			3692	
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06/02/2008	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Notice of Non-Responsive Amendment/Reply***

1. The replies filed on September 24, 2007 and January 10, 2008 are not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has cancelled all previously pending claims (claim 1) and has added new claims 2-33. Newly submitted claims 2-33 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Original claim 1 was directed toward trading according to a snapshot view of the market (Group I, classified in 705/37). Newly presented claims 2-33 are presented toward processing messages within a trading system (Group II, classified in 705/37). Groups I and II are related as subcombinations usable together. Group II does not require use of a snapshot view of the market (recited in Group I) in order to complete a trade. The “snapshot trade manager” recited in claims 25, 32, and 33 only monitors, deletes, and stores messages. It does not utilize a “snapshot view of the market,” which is the focus of original claim 1. A “snapshot view” implies that the invention in Group I focuses on the graphical display that provides a user with a summary of the current state of the market, whereas the invention in Group II focuses on how messages are processed in order to facilitate trading.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2-33 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. This leaves no claims pending for examination.

In the response filed January 10, 2008, Applicant argues that claims 2-33 "are directed to snapshot processing, just more narrowly directed." (Page 9 of Applicant's response filed January 10, 2008) Again, a "snapshot view" implies that the invention in Group I focuses on the graphical display that provides a user with a summary of the current state of the market, whereas the invention in Group II focuses on how messages are processed in order to facilitate trading. A "snapshot view of the market" appears to be an aspect of the overall snapshot trading process (e.g., see at least ¶ 56 of the specification); however, claims 2-33 have entirely switched the focus of the invention (as originally recited in claim 1) from the "snapshot view" (i.e., which implies a graphical display that provides a user with a summary of the current state of the market) to a focus on how trading-related messages are processed. The manner of displaying a current snapshot of market conditions is distinct in operation from how trading-related messages are processed. Each invention is potentially separately patentable. The display of a snapshot view of a current state of the market does not require the specifics of how the trading messages are processed. For example, the snapshot view of the market may simply display the most recent market data and may be completely unconcerned with which messages are processed and which are not. Conversely, the processing of trading-related messages does not require any display of a snapshot view of the market, as evidenced by the fact that new claims 2-33 do not make any reference to a snapshot view of the market.

[Although unrelated to the current assessment of election by original presentation, it is noted that new claims 2-33 are directed toward multiple species

related to mutually exclusive and separately patentable approaches to processing messages. For example, by Applicant's own admissions throughout the response filed January 10, 2008, some message-processing embodiments require that update flags be tripped. One of these sub-embodiments explicitly does not process a message or plurality of messages when an update flag has been tripped while another sub-embodiment dumps a message and its contents while tripping or after tripping an update flag (see at least page 10 of Applicant's response).]

Applicant's traversal of the restriction is deemed non-persuasive and this restriction requirement is made final.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Also noted is that the Request for Continued Examination (RCE) filed on September 24, 2007 is an improper RCE because prosecution was not closed at the time of filing of the RCE. The next reply to this Notice of Non-Responsive Amendment will be treated as a response to non-final rejection under 37 CFR 1.111 (see MPEP 706.07(h)).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information

/Susanna M. Diaz/  
Primary Examiner, Art Unit 3692